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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 362]

भोपाल, गुरुवार, दिनांक 28 जून 2018—आषाढ़ 7, शक 1940

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 28 जून 2018

क्र. 10729 199-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) विधेयक, 2018 (क्रमांक 22 सन् 2018) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

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NO. 22 OF 2018**

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**MADHYA PRADESH BILL
NO. 22 OF 2018**

THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT) BILL, 2018

A Bill further to amend the Madhya Pradesh Land Revenue Code, 1959.

Be it enacted by the Madhya Pradesh Legislature in the sixty-ninth year of the Republic of India as follows :—

1. (1) This Act may be called the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018. Short title and commencement-

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In section 2 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the principal Act), in sub-section (1),— Amendment of section 2.

(i) for clause (a), the following clause shall be substituted, namely—

"(a) "abadi" means the area reserved from time to time in a village for the residence of the inhabitants thereof or for purposes ancillary thereto, and any other cognate variation of this expression such as "village site" or "gaonsthan" shall also be construed accordingly;"

(ii) after clause (f), the following clause shall be inserted, namely—

"(f-1) "development plan" shall have the same meaning as assigned to it in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No 23 of 1973);"

(iii) for clause (i), the following clause shall be substituted, namely:—

"(i) "holding" means a parcel of land separately assessed to land revenue and held under a tenure;"

(iv) after clause (m), the following clause shall be inserted, namely:—

"(m-1) "land revenue" means all moneys payable to the State Government for holding land and includes premium, rent, lease money, quit rent or any other cognate variation of these expressions;"

(v) for clause (q), the following clause shall be substituted, namely:—

"(q) "plot number" means the number assigned to a portion of land formed into or recognised as a plot number under this Code;"

(vi) in clause (t), in sub-clause (i), the words "by an occupancy tenant to his Bhumiswami according to the provisions of section 188 or" shall be omitted;

(vii) after clause (v), the following clauses shall be inserted, namely:—

"(v-1) "sector" means any tract of land in urban area formed into or recognised as a sector under the provisions of this Code;

(v-2) "service land" means such land in a non-urban area which is given to a kotwar for the purpose of agriculture during his tenure of post;"

(viii) for clause (x), the following clause shall be substituted, namely:—

"(x) **"survey number"** means the number assigned to a portion of land formed into or recognised as a survey number under this Code and entered in the land records under an indicative number known as the khasra number;"

(ix) clause (y) shall be deleted;

(x) for clause (z-3), the following clause shall be substituted, namely:—

"(z-3) **"unoccupied land"** means the land other than the abadi or service land, or the land held by a Bhumiswami or a Government lessee;"

(xi) for clause (z-5), the following clause shall be substituted, namely:—

"(z-5) **"village"** means any tract of land in a non-urban area which, before the coming into force of this Code, was recognized or was declared as a village under the provisions of any law for the time being in force and any other tract of land in a non-urban area which is recognized as a village at any land survey or which the State Government may, by notification, declare to be a village."

Amendment of section 4.

3. In section 4 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Notwithstanding anything contained in sub-section (1), the President and members of the Board shall also sit at such other place or places as the State Government may, after consultation with the President of the Board, notify."

Substitution of section 7.

4. For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. **Jurisdiction of Board-** The Board shall exercise the powers and discharge the functions conferred upon it by or under this Code or such other functions as have been conferred or may be conferred by or under any enactment upon it or as may be specified by a notification of the State Government or Central Government in that behalf."

Substitution of section 11.

5. For section 11 of the principal Act, the following section shall be substituted, namely:—

"11. **Revenue Officers-** There shall be the following classes of the Revenue officers, namely:—

Principal Revenue Commissioner;
Commissioner;
Additional Commissioner;
Commissioner Land Records;
Additional Commissioner Land Records;
Collector;
Additional Collector;
District Survey Officer;
Sub Divisional Officer;
Deputy Survey Officer;
Assistant Collector;
Joint Collector;
Deputy Collector;
Tahsildar;
Additional Tahsildar;
Assistant Survey Officer;
Superintendent of Land Records;
Naib Tahsildar;
Assistant Superintendent of Land Records."

6. In Section 13 of the principal Act,—

**Amendment of
Section 13.**

(i) for sub-section (2), the following sub-section shall be substituted, namely,—

“(2) The State Government may alter the limits of any district or sub-division or tahsil and may create new or abolish existing districts or sub-divisions or tahsils:

Provided that the State Government shall invite objections to such proposals in the prescribed Form and shall take into consideration objections received, if any.”;

(ii) sub-section (3) shall be deleted.

7. After section 13 of the principal Act, the following section shall be inserted, namely:—

**Insertion of
Section 13-A.**

“13-A. Appointment of Principal Revenue Commissioner and his powers and duties—
The State Government may, by notification, appoint a Principal Revenue Commissioner who shall exercise such powers and perform such duties conferred and imposed on him by the State Government.”.

8. For Section 19 of the principal Act, the following section shall be substituted, namely:—

**Substitution of
Section 19.**

“19. Appointment of Tahsildars, Additional Tahsildars and NaibTahsildars- (1) The State Government may appoint for each district as many persons as it thinks fit to be —

- (a) Tahsildar;
- (b) Additional Tahsildar; and
- (c) Naib Tahsildar,

who shall exercise therein the powers and perform the duties conferred or imposed on them by or under this Code or by or under any other enactment for the time being in force.

(2) The Collector may place a Tahsildar as in charge of a tahsil, who shall exercise therein the powers and perform the duties conferred or imposed on him by or under this Code or by or under any other enactment for the time being in force.

(3) The Collector may place one or more Additional Tahsildars and Naib Tahsildars in a tahsil who shall exercise therein such powers and perform such duties conferred or imposed on a Tahsildar by or under this Code or by or under any other enactment for the time being in force, as the Collector may, by an order in writing, direct.”.

9. Section 21 of the principal Act shall be deleted.

**Deletion of
Section 21.**

10. For Section 22 of the principal Act, the following Section shall be substituted, namely:—

**Substitution of
Section 22.**

“22. **Sub-Divisional Officers.**—The Collector may place any Assistant Collector or Joint Collector or Deputy Collector to be in charge of one or more sub-divisions of the district who shall exercise therein the powers and perform the duties conferred or imposed on a Sub-Divisional Officer by or under this Code or by or under any other enactment for the time being in force.”.

Substitution of Section 24.

11. For Section 24 of the principal Act, the following section shall be substituted, namely:-

"24. Conferral by State Government of powers of Revenue Officers on any public servant or local body.—The State Government may confer on any public servant or local body the powers conferred by or under this Code on any Revenue Officer:

Provided that the powers of-

- (a) Collector under sections 72, 113, 135, 165, 237, 238, 243 and 251;
- (b) Sub-Divisional Officer under sections 59, 115, 170, 170A, 170B, 234, 241, 242, 248(2-A) and 253;
- (c) Appellate authority under section 44; and
- (d) Revisional authority under section 50;

shall not be conferred on any public servant or local body.

Explanation—For the purpose of this Section, "public servant" means any person who holds an office of the State Government or any body corporate or institution established and controlled by the State Government."

Amendment of Section 27.

12. In Section 27 of the principal Act, for the proviso, the following proviso shall be substituted namely:-

"Provided that Sub-Divisional Officer may enquire into, or hear, any case at any place within the district."

Amendment of Section 28.

13. In Section 28 of the principal Act, for the words "All Revenue Officers, Revenue Inspectors, measurers and patwaris", the words "Any Revenue Officer, Revenue Inspector, Nagar Sarvekshak and patwari" shall be substituted.

Substitution of Section 29.

14. For section 29 of the principal Act, the following section shall be substituted, namely:-

"29. Power to transfer cases.—(1) Whenever it appears that an order is expedient for the ends of justice, the Board may direct that any particular case be transferred from one Revenue Officer to another Revenue Officer of an equal rank.

(2) The Commissioner may, if he is of opinion that it is expedient for the ends of justice, order that any particular case be transferred from a Revenue Officer to another Revenue Officer of an equal rank in the same district or any other district in the same division."

Amendment of Section 35.

15. In section 35 of the principal Act,-

- (i) sub-section (1) shall be deleted;
- (ii) for sub-section (3), the following sub-section shall be substituted, namely-

"(3) The party against whom any order is passed under sub-section (2) may apply within thirty days from the date of such order or knowledge of the order in case the notice or summons was not duly served, to have it set aside on the ground that he was prevented by any sufficient cause from appearing at the hearing and the Revenue Officer may, after notice to the opposite party which was present on the date on which such order was passed and after making such inquiry as he considers necessary, set aside the order passed."

16. Section 41 of the principal Act shall be deleted.

Deletion of
Section 41.

17. For section 44 of the principal Act, the following Section shall be substituted, namely,—

Substitution of
Section 44.

"44. Appeal and appellate authorities.—(1) Save where it has been otherwise provided, an appeal shall lie from every original order of a Revenue Officer competent to pass such order under this Code or the rules made thereunder-

- (a) if such order is passed by any Revenue Officer subordinate to the Sub-Divisional Officer—to the Sub-Divisional Officer;
- (b) if such order is passed by any Revenue Officer subordinate to the Deputy Survey Officer—to the Deputy Survey Officer;
- (c) if such order is passed by the Sub-Divisional Officer—to the Collector;
- (d) if such order is passed by the Deputy Survey Officer—to the District Survey Officer;
- (e) if such order is passed by any Assistant Collector, Joint Collector or Deputy Collector to whom the powers have been conferred under-section 24—to the Collector;
- (f) if such order is passed by any Revenue Officer in respect of whom a direction has been issued under sub-section (3) of section 12— to such Revenue Officer as the State Government may direct;
- (g) if such order is passed by a Collector or District Survey Officer— to the Commissioner;
- (h) if such order is passed by the Commissioner— to the Board.

(2) Save as otherwise provided, a second appeal shall lie against every order passed in first appeal under this Code or the rules made thereunder-

- (a) by the Sub-Divisional Officer or the Deputy Survey Officer or the Collector or the District Survey Officer - to the Commissioner;
- (b) by the Commissioner to the Board.

(3) The second appeal shall lie only-

- (a) if the original order has in the first appeal been varied or reversed otherwise than in a matter of cost; or
- (b) on any of the following grounds and no other, namely:-
 - (i) that the order is contrary to law or, usage having the force of law; or
 - (ii) that the order has failed to determine some material issue of law, or usage having force of law; or
 - (iii) that there has been a substantial error or defect in the procedure as prescribed by this Code. which may have produced error or defect in the decision of the case upon merits.

- (4) An order passed in review varying or reversing any order shall be appealable in like manner as the original order."

Deletion of
section 45.

18. Section 45 of the principal Act shall be deleted.

Substitution of
section 46.

19. For Section 46 of the principal Act, the following section shall be substituted, namely:-

"46. **No appeal against certain orders.**—Notwithstanding anything contained in Section 44,-

(a) no appeal shall lie from an order-

- (i) allowing or rejecting an application for condonation of delay on the grounds specified in Section 5 of the Limitation Act, 1963 (No. 36 of 1963); or
- (ii) rejecting an application for review; or
- (iii) allowing or rejecting an application for stay; or
- (iv) of an interim nature; or
- (v) passed under the provisions of Sections 29, 30, 104, 106, 114A, 127, 146, 147, 150, 152, 161, 207, 208, 210, 212, 213, 215, 220 and 243; and

(b) no second appeal shall lie from an order passed in first appeal against an order passed under the provisions of sub-section (1) of Section 131, Section 134, Section 173, Section 234, Section 239, Section 240, Section 241, Section 242, Section 244 and Section 248."

Substitution of
Section 47.

20. For Section 47 of the principal Act, the following section shall be substituted, namely:-

"47. **Limitation of appeals.**—The period of limitation for filing first or second appeal shall be forty-five days from the date of the order appealed against:

Provided that where an order, against which the appeal is preferred, was made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, the period of limitation of appeal shall be as provided in the Code prior to the said Amendment Act:

Provided further that where a party, other than a party against whom the order has been passed ex-parte, had no previous notice of the date on which the order was passed, limitation shall be computed from the date of the communication of such order."

Amendment of
Section 49.

21. In Section 49 of the principal Act, in sub-section (3), for first proviso, the following proviso shall be substituted, namely:—

"Provided that the appellate authority shall not ordinarily remand the case for disposal to any Revenue Officer subordinate to it:".

Substitution of
Section 50.

22. For section 50 of the principal Act, the following Section shall be substituted, namely:-

"50. **Revision.**—(1) Subject to the provisions of sub-sections (2), (3), (4) and (5),—

- (a) the Board may, at any time on its own motion or on an application made by any party, call for the record of any case which has been decided or proceedings in which an order has been passed under this Code by the Commissioner;

- (b) the Commissioner may, at any time on his own motion or on an application made by any party, call for the record of any case which has been decided or proceedings in which an order has been passed under this Code by the Collector or the District Survey Officer;
- (c) the Collector or the District Survey Officer may, at any time on his own motion or on an application of any party, call for the record of any case which has been decided or proceedings in which an order has been passed under this Code by a Revenue Officer subordinate to him;

and if it appears that the subordinate Revenue Officer-

- (i) has exercised a jurisdiction not vested in him by this Code; or
- (ii) has failed to exercise a jurisdiction so vested; or
- (iii) has acted in the exercise of his jurisdiction illegally or with material irregularity,

the Board or the Commissioner or the Collector or the District Survey Officer may make such order in the case as it or he thinks fit.

(2) No application for revision shall be entertained-

- (a) against an order appealable under this Code;
- (b) against any order passed in second appeal under this Code;
- (c) against an order passed in revision;
- (d) against an order of the Commissioner under-section 210;
- (e) unless presented within forty-five days from the date of order or its communication to the party, whichever is later:

Provided that where an order, against which an application for revision is being preferred, was made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 the period of limitation for presenting the application for revision shall be as provided in the Code prior to the said Amendment Act.

(3) The Board or the Commissioner or Collector or the District Survey Officer shall not, under this Section, vary or reverse any order made or any order deciding an issue, in the course of proceeding, except where-

- (a) the order, if it had been made in favour of the party applying for revision, would have finally disposed of the proceedings; or
- (b) the order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made.

(4) A revision shall not operate as a stay of proceeding before the Revenue Officer, except where such proceeding is stayed by the Board or the Commissioner or the Collector or the District Survey Officer, as the case may be.

(5) No order shall be varied or reversed in revision unless notice has been served on the parties interested and opportunity given to them of being heard.

Explanation- For the purpose of this section all Revenue Officers shall be deemed to be subordinate to the Board."

**Amendment of
Section 51.**

23. In Section 51 of the principal Act, for sub-section (1) and sub-section (2), the following sub-sections shall be substituted, namely:-

- "(1) The Board or any Revenue Officer may, either suo motu or on an application of any party interested, review any order passed by it or him, or by any predecessor-in-office and pass such order in reference thereto as it or he may think fit:

Provided that-

- (i) if the Commissioner, Collector or District Survey Officer thinks it necessary to review any order which he has not himself passed, he shall first obtain the sanction of the Board, and if an officer subordinate to the Collector or District Survey Officer proposes to review an order, whether passed by himself or his predecessor, he shall first obtain the sanction in writing of the Collector or District Survey Officer to whom he is immediate subordinate;
- (ii) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order;
- (iii) no order from which an appeal has been made, or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending, be reviewed;
- (iv) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings, and no application for the review of such order shall be entertained unless it is made within forty-five days from the passing of the order.

(2) No order shall be reviewed except on the following grounds, namely: -

- (a) discovery of new and important matter or evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the order was made;
- (b) some mistake or error apparent on the face of the record; or
- (c) any other sufficient reason."

**Substitution of
Section 54.**

24. For section 54 of the principal Act, the following section shall be substituted, namely:-

"54. Pending revisions.—Notwithstanding anything contained in this Chapter, any proceedings pending in revision immediately prior to coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018,-

- (a) if initiated on an application of a party, be heard and decided by the Board or the Revenue Officer competent to hear and decide them under sub-section (1) of section 50 as amended by the aforesaid Amendment Act and, if required for this purpose, shall be transferred to such competent Revenue Officer;
- (b) if initiated suo motu by the Board or any Revenue Officer, shall be heard or decided by the Board or such Revenue Officer, as the case may be, as if this Amendment Act had not been passed;

(c) if initiated by the Settlement Commissioner, shall be transferred to the Commissioner of concerned division, who shall heard and decide it;

(d) if initiated by the Settlement Officer, shall be transferred to the District Survey Officer or the Collector, as the case may be, who shall heard and decide it."

25. Section 55 of the principal Act shall be deleted.

Deletion of section 55.

26. In section 56 of the principal Act, for the words "in exercise of its/his powers under this Code or any other enactment for the time being in force, as the case may be", the words "in exercise of powers under this Code" shall be substituted.

Amendment of section 56.

27. Sub-section (2) of section 57 of the principal Act shall be deleted.

Amendment of section 57.

28. In section 58 of the principal Act,-

Amendment of section 58.

(i) for sub-section (1), the following sub-section shall be substituted, namely: -

"(1) All land to whatever purpose applied and wherever situate, is liable to the payment of revenue to the State Government except such land as has been wholly or partially exempted from such liability by or under this Code or by special grant of or contract with the State Government or such land which is wholly or partially exempted from such liability by notification, issued in this behalf by the State Government."

(ii) Sub-section (2) shall be deleted.

29. For section 58-A of the principal Act, the following section shall be substituted, namely:-

Substitution of section 58-A.

"58-A. Exemption from payment of land revenue- Notwithstanding anything contained in this Code, no land revenue shall be payable in respect of -

- (a) any holding up to two hectares used exclusively for the purpose of agriculture;
- (b) such other land used for non agricultural purpose as the State Government may, by notification, specify.

Explanation.- For the purpose of this section, "holding" means the sum of all lands held by a person individually and his share in the lands held by him jointly, if any, in the entire State."

30. Section 58-B of the principal Act shall be deleted.

Deletion of section 58-B.

31. For section 59 of the principal Act, the following section shall be substituted, namely:-

Substitution of section 59.

"59. **Land revenue according to purpose for which land is used**—(1) The assessment of land revenue shall be made with reference to the following use of land at such rates as may be prescribed:

- (a) for the purpose of agriculture including any improvement made thereon;
- (b) for the purpose of dwelling houses;
- (c) for educational purpose;
- (d) for commercial purpose;

- (e) for industrial purpose including the purpose of mines and minerals;
 - (f) for purpose other than those specified in items (a) to (e) above as may be notified by the State Government.
- (2) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to assessment at the rates prescribed for the purpose to which it has been diverted.
 - (3) Where the land held free from the payment of land revenue on condition of being used for any purpose is diverted to any other purpose it shall become liable to the payment of land revenue and assessed at the rates prescribed for purpose for which it has been diverted.
 - (4) Where land assessed for use for any one purpose is diverted to any other purpose, and land revenue is assessed thereon under the provisions of this section, the premium on such diversion shall be payable at such rates as may be prescribed.
 - (5) Whenever land assessed for one purpose is diverted to another purpose, the Bhumiswami shall compute the premium and reassessed land revenue payable and deposit the amount so computed in the manner prescribed.
 - (6) The Bhumiswami shall give a written intimation of such diversion to the Sub-Divisional Officer alongwith the receipt of the deposit of the amount under sub-section (5), and the land shall be deemed to have been diverted from the date of such intimation .
 - (7) On the receipt of intimation under sub-section (6), the Sub-Divisional Officer shall, as soon as possible, make enquiry into the correctness of the computation made by the Bhumiswami and communicate to the Bhumiswami either confirming the computation made under sub-section (5) or informing him the correct amount of premium and land revenue payable. In case the amount deposited under sub-section (5) is less than the amount computed by the Sub-Divisional Officer, the difference shall be paid by the Bhumiswami within sixty days of receipt of such intimation:
- Provided that in case the amount deposited under sub-section (5) is greater than the amount computed by the Sub-Divisional Officer, the difference shall be refunded to the Bhumiswami within sixty days.
- (8) If the Sub-Divisional Officer fails to communicate to the Bhumiswami under sub-section (7) within five years from the date of intimation received under sub-section (6), the arrears of re-assessed land revenue shall not be payable for a period exceeding five years.
 - (9) If the Bhumiswami fails to give the intimation of diversion under sub-section (6), the Sub-Divisional Officer on his own motion or on receiving such information shall compute the premium and re-assess the land revenue payable on account of such diversion and also impose a penalty equal to fifty per centum of the total amount payable:

Provided that such re-assessed land revenue shall be payable from the actual date of diversion subject to a maximum period of five years:

Provided further that no penalty shall be imposed for one year from the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018.

- (10) The Bhumiswami shall divert land for only such purpose as is permissible under the law governing the use of land for the time being in force:

Provided that no action of the Bhumiswami or Sub-Divisional Officer under this section shall be construed as granting of permission to change use of land contrary to the provisions of the applicable law:

Provided further that the competent authority may take action against Bhumiswami for such diversion contrary to the provisions of the law for the time being in force irrespective of any action taken under this section.

- (11) The premium and re-assessed land revenue shall be computed at the rates prevailing on the date of intimation by the Bhumiswami under sub-section (6) or the date of passing of order by Sub-Divisional Officer under sub-section (9), as the case may be
- (12) All proceedings under this section pending before the Board or any Revenue Officer prior to commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 shall stand abated and the Sub-Divisional Officer shall impose premium and assess the land revenue on account of diversion in accordance with the provisions of this section."

32. For section 60 of the principal Act, the following section shall be substituted, namely:-

Substitution of section 60.

"60. Assessment of un-assessed land—All lands on which the assessment has not been made, the assessment of land revenue shall be made by the Collector in accordance with rules made under this Code."

33. For Chapter VII and VIII of the principal Act, containing sections 61 to 103 (both inclusive), the following Chapter shall be substituted, namely:-

Substitution of Chapter VII and Chapter VIII.

"Chapter VII Land Survey

61. Definition of land survey—The "land survey" means—

(a) all or any of the following activities—

- (i) division of land into survey numbers, recognition of existing survey numbers, reconstitution thereof or forming new survey numbers in land used for agricultural purposes and activities incidental thereto;
- (ii) division of land into plot numbers, recognition of existing plot numbers, reconstitution thereof or forming new plot numbers and grouping them into blocks in land used for non-agricultural purposes and activities incidental thereto;
- (iii) grouping of the survey numbers and blocks into villages in non-urban areas and into sectors in urban areas and activities incidental thereto;
- (b) preparation of a Field Book describing the area, current land use and other attributes of each survey number, block number or plot number, as the case may be;
- (c) preparation or revision or correction of field map, as the case may be;
- (d) preparation of record of rights, in order to bring the land records up to date in any local area;
- (e) preparation of any other record, as may be prescribed.

62. Appointment of Commissioner Land Records—The State Government may appoint a Commissioner Land Records who shall, subject to the direction issued in this regard by the State Government, manage the land survey and the land records.

63. Appointment of Additional Commissioners Land Records and their powers and duties—(1) The State Government may appoint one or more Additional Commissioner Land Records.

(2) An Additional Commissioner of Land Records shall exercise such powers and discharge such duties, conferred and imposed on a Commissioner Land Record by this Code or rules made there under in such cases or classes of cases, as the State Government or Commissioner Land Records may direct and while exercising such powers and discharging such duties, the Additional Commissioner Land Records shall be deemed to have been appointed as a Commissioner Land Records for the purposes of this Code or any rule made.

64. Notification of proposed land survey.—(1) The Commissioner Land Records may commence land survey in a tahsil area by publishing a notification in the official Gazette to that effect.

(2) Land survey may extend to all lands in the tahsil area or part thereof as the Commissioner Land Records may direct in the notification issued under sub-section (1).

(3) The lands notified under sub-section (1) shall be held to be under land survey from the date of said notification till the subsequent notification declaring the land survey to be closed is issued.

65. District Survey Officer, Deputy Survey Officer and Assistant Survey Officer—(1) In respect of the lands under land survey,—

- (a) the Collector of a district shall be the District Survey Officer;
- (b) the Sub-Divisional Officer of a sub-division shall be the Deputy Survey Officer for his sub-division;
- (c) the Tahsildar, Additional Tahsildar or Naib Tahsildar shall be Assistant Survey Officer within their respective jurisdiction.

(2) All District Survey Officers shall be subordinate to the Commissioner Land Records.

(3) All Deputy Survey Officer and Assistant Survey Officers in a district shall be subordinate to the District Survey Officer.

(4) All Assistant Survey Officers in a sub-division shall be subordinate to the Deputy Survey Officer.

66. Powers of District Survey Officer, Deputy Survey Officer and Assistant Survey Officer—(1) In respect of lands under land survey the powers of the Collector, the Sub-Divisional Officer or the Tahsildar under this Code shall vest in the District Survey Officer, Deputy Survey Officer or Assistant Survey Officer respectively.

(2) The State Government may invest any Deputy Survey Officer or Assistant Survey Officer with all or any of the powers of the District Survey Officer under this Code.

67. Formation of survey numbers, block numbers, plot numbers and their grouping into villages in non-urban areas or into sectors in urban areas.—Subject to rules made under this Code, the District Survey Officer may—

- (a) take measurements of the land to which land survey extends and construct such number of survey marks thereon as may be necessary;

- (b) divide such land into survey numbers, recognize existing survey numbers, reconstitute survey numbers or form new survey numbers in land used for agricultural purpose;
- (c) divide such land into block numbers, recognize existing block numbers, reconstitute block numbers or form new block numbers in land used for non agricultural purpose;
- (d) divide blocks in plot numbers, recognize existing plot numbers, reconstitute plot numbers or form new plot numbers in land used for non agricultural purpose;
- (e) group survey numbers and blocks into villages in non-urban areas and into sectors in urban areas:
Provided that the plots of any land lying within the boundaries of a layout approved under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No 23 of 1973), shall be deemed to be plots under this Code:

Provided further that except as hereinafter provided and subject to the approved development plan of the area, if any, no survey number or plot number shall henceforth be made of an extent less than the minimum prescribed.

68. Power to re-number or sub-divide or amalgamate survey number, block number and plot number—

(1) The District Survey Officer may either re-number or sub-divide survey numbers into as many sub-divisions as may be required or amalgamate one or more survey numbers into a single survey number in view of the acquisition of rights in land or for any other reason.

(2) The District Survey Officer may either re-number or sub-divide block numbers and plot numbers into as many sub-divisions as may be required or amalgamate one or more block numbers and plot numbers into a single block number or plot number in view of the acquisition of rights in land or for any other reason:

Provided that no division or amalgamation of block number or plot number shall be permissible where such block or plot or any part thereof falls within the boundaries of layout approved under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No 23 of 1973).

(3) The division or amalgamation of any survey number, block number or plot number and assessment thereof shall be carried out in accordance with rules made under this Code.

(4) The District Survey Officer may modify a block by removing one or more plot numbers from a block or adding one or more plot numbers from an adjoining block.

(5) Where a holding consists of several survey numbers and plot numbers, the District Survey Officer shall assess the land revenue payable for each survey number or plot number.

(6) Whenever the survey numbers, block numbers or plot numbers are re-numbered, the District Survey Officer shall correct the entries in all records prepared or maintained under this Code.

69. Entry of survey numbers, block numbers and plot numbers and their sub-divisions in land record—

The area and assessment of survey numbers and plot numbers and their sub-divisions and area of block numbers shall be entered in land records in such manner as may be prescribed.

70. Determination of abadi of village.—The District Survey Officer shall, in the case of every inhabited village, ascertain and determine, with due regard to rights in lands, the area to be reserved for the residence of the inhabitants or for purposes ancillary thereto, and such area shall be deemed to be the abadi of the village.

71. Power of District Survey Officer to divide or unite villages and sectors or exclude area therefrom—

(1) The District Survey Officer may divide a village to constitute two or more villages or may unite two or more villages and constitute one village or may alter the limits of a village by including therein any area of a village in the vicinity thereof or by excluding any area comprised therein, in accordance with the rules made under this Code.

(2) The District Survey Officer may divide a sector to constitute two or more sectors or may unite two or more sectors and constitute one sector or may alter the limits of a sector by including therein any area of a sector in

the vicinity thereof or by excluding any area comprised therein, in accordance with the rules made under this Code.

72. Assessment.—The District Survey Officer shall fix the assessment on each holding at such rates as may be prescribed.

73. All lands liable to assessment.—The District Survey Officer shall make assessment on all lands to which the survey extends whether such lands are liable to the payment of land revenue or not.

74. Duty of District Survey Officer to maintain maps and records.—When an area is under land survey, the duty of maintaining the maps and records of such area shall stand transferred from Collector to the District Survey Officer, who shall thereupon exercise all the powers conferred on the Collector under any of the provisions of Chapters IX and XVIII.

75. Power of Sub-Divisional Officer to correct errors.—The Sub-Divisional Officer may, at any time after the closure of land survey, correct any error in the area or assessment of any survey number or plot number or block number due to mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable by reason of such correction.

76. Powers provided under this Chapter to be exercised by Collector, Sub-Divisional Officer and Tahsildar in area not under land survey.—In any area not under land survey, the Collector, the Sub-Divisional Officer or the Tahsildar shall exercise the powers of District Survey Officer, Deputy Survey Officer or Assistant Survey Officer respectively provided under this Chapter within their respective jurisdiction.

77. Power to make rules.—The State Government may make rules for carrying out the land survey under this Chapter."

Substitution of
section 104.

34. For section 104 of the principal Act, the following section shall be substituted, namely:—

"104 Formation of patwari halkas in non-urban area and formation of sectors in urban area and appointment of patwaris and Nagar Sarvekshaks.—(1) The Commissioner Land Records shall for each tahsil, arrange the villages into patwari halkas and divide each urban area into sectors and may, at any time, alter the limits of existing patwari halkas or sectors and may create new patwari halkas or sectors or abolish existing patwari halkas or sectors.

(2) The Collector shall appoint a patwari to each patwari halka and a Nagar Sarvekshak to each sector for maintaining correct land records and for such other duties as may be prescribed.

(3) Till the formation of sectors in an urban area under sub-section (1), every village, existing therein immediately before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall be deemed to be a sector and relevant land records of such village shall be deemed to be land records of such sector."

Substitution of
section 105.

35. For section 105 of the principal Act, the following section shall be substituted, namely:—

"105. Formation of Revenue Inspector circles in non-urban area.—The Commissioner Land Records shall arrange the patwari halkas in a tahsil into Revenue Inspector circles and may, at any time alter the limits of any circle and may create new circles or abolish existing circles."

36. For section 106 of the principal Act, the following section shall be substituted, namely—

Substitution of
section 106.

"106: **Appointment of Revenue Inspectors in non-urban areas**—The Collector may appoint in each Revenue Inspector circle a Revenue Inspector to supervise the preparation and maintenance of land records and to perform such other duties as may be prescribed."

37. For section 107 of the principal Act, the following section shall be substituted, namely:—

Substitution of
section 107.

"107. **Maps of villages, abadi, blocks and sectors**—(1) For each village—

- (a) a map shall be prepared showing the boundaries of survey numbers and block numbers which shall be called "village map";
- (b) a map shall be prepared for abadi showing the area occupied by holders and the area not so occupied, giving separate plot numbers and such other particulars as may be prescribed which shall be called "abadi map";
- (c) a map shall be prepared for diverted lands showing the area occupied by holders giving separate plot numbers and such other particulars as may be prescribed, which shall be called "block map".

(2) For each urban area a map shall be prepared of each sector showing the area occupied by holders and area not so occupied, giving separate survey numbers, block numbers and plot numbers and such other particulars as may be prescribed, which shall be called 'sector map'.

(3) The maps under sub-section (1) and (2) shall be prepared on such scale as may be prescribed."

38. For section 108 of the principal Act, the following section shall be substituted, namely:—

Substitution of
section 108.

"108. **Record of rights**—(1) A record of rights shall, in accordance with rules made in this behalf, be prepared and maintained for every village area and for each sector of every urban area and such record shall include following particulars:—

- (a) the names of all Bhumiswamis together with survey numbers or plot numbers held by them and purposes for which they are being used and their area and status of irrigation in case of land used for agriculture;
- (b) the names of all Government lessees and such classes of lessees as may be specified by the State Government together with survey numbers or plot numbers held by them and purposes for which they are being used and their area and status of irrigation in case of land used for agriculture;
- (c) the names of all persons occupying the abadi of the village, or in urban area all persons occupying the land which was abadi of a village before the constitution of such urban area, as the case may be, along with the nature of their interest in land, plot numbers held by them and purpose for which the land is being used;
- (d) the nature and extent of interest in land assigned or granted to any person by the State Government or by the person authorised under any enactment or direction of the State Government or the Central Government along with—
 - (i) the nature and extent of the respective interests of such persons and the conditions or liabilities, if any;
 - (ii) the land revenue or lease rent payable by such persons if any; and
 - (iii) such other particulars as may be prescribed.

(2) The record of rights mentioned in sub-section (1) shall be prepared during a land survey or whenever the State Government may, by notification, so direct."

Substitution of section 109.

39. For section 109 of the principal Act, the following section shall be substituted, namely:—

"109. Acquisition of rights to be reported—(1) Any person lawfully acquiring any right or interest in land shall report his acquisition of such right within six months from the date of such acquisition in the form prescribed-

- (a) to the patwari or any person authorised by the State Government in this behalf or Tahsildar, in case of land situated in non-urban area;
- (b) to the Nagar Sarvekshak or any person authorised by the State Government in this behalf or Tahsildar, in case of land situated in urban area:

Provided that when the person acquiring the right is a minor or is otherwise disqualified, his guardian or other person having charge of his property shall make the report to the patwari or nagar sarvekshak or the person authorised or the Tahsildar.

Explanation I. The right mentioned above does not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882 (No. IV of 1882).

Explanation II. A person, in whose favour a mortgage is redeemed or paid off or a lease is determined, acquires a right within the meaning of this section.

Explanation III. Intimation in writing required to be given under this section may be given either through a messenger or handed over in person or may be sent by registered post or by such other means as may be prescribed.

Explanation IV. For the purpose of this section, "otherwise disqualified" includes the "person with disability" as defined in clause (5) of section 2 of the Rights of person with Disabilities Act, 2016 (No. 49 of 2016)

(2) When any document purporting to create, assign or extinguish any title to or any charge on land used for agricultural purposes, or in respect of which a khasra has been prepared, is registered under the Indian Registration Act, 1908 (No. 16 of 1908), the Registering Officer shall send intimation to the Tahsildar having jurisdiction over the area in which the land is situated in such Form and at such times as may be prescribed.

(3) Any person whose rights, interests or liabilities are required to be or have been entered in any record or register under this Chapter, shall be bound on the requisition in writing of any Revenue Officer, Revenue Inspector, Nagar Sarvekshak or Patwari engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof, as may be within his knowledge or in his possession or powers. A written acknowledgement of the information furnished or document produced shall be given to the person.

(4) Any person neglecting to make the report required by sub-section (1) or furnish the information or produce the documents required by sub-section (3) within the period specified therein shall be liable, at the discretion of the Tahsildar, to a penalty not exceeding five thousand rupees.

(5) Any report regarding the acquisition of any right under this section received after the specified period shall be dealt with in accordance with the provisions of section 110."

40. For section 110 of the principal Act, the following section shall be substituted, namely:—

Substitution of
section 110.

"110. **Mutation of acquisition of right in land records.**— (1) The patwari or Nagar Sarvekshak or person authorised under section 109 shall enter into a register prescribed for the purpose every acquisition of right reported to him under section 109 or which comes to his notice from any other source.

(2) The patwari or Nagar Sarvekshak or person authorised, as the case may be, shall intimate to the Tahsildar, all reports regarding acquisition of right received by him under sub-section (1) in such manner and in such Form as may be prescribed, within thirty days of the receipt thereof by him.

(3) On receipt of intimation under section 109 or on receipt of intimation of such acquisition of right from any other source, the Tahsildar shall within fifteen days,—

- (a) register the case in his court;
- (b) issue a notice to all persons interested and to such other persons and authorities as may be prescribed, in such Form and manner as may be prescribed; and
- (c) display a notice relating to the proposed mutation on the notice board of his office, and publish it in the concerned village or sector in such manner as may be prescribed;

(4) The Tahsildar shall, after affording reasonable opportunity of being heard to the persons interested and after making such further enquiry as he may deem necessary, pass orders relating to mutation within thirty days of registration of case, in case of undisputed matter, and within five months, in case of disputed matter, and make necessary entry in the village khasra or sector khasra, as the case may be, and in other land records.

(5) The Tahsildar shall supply a certified copy of the order passed under sub-section (4) and updated land records free of cost to the parties within thirty days, in the manner prescribed and only thereafter close the case:

Provided that if the required copies are not supplied within the period specified, the Tahsildar shall record the reasons and report to the Sub-Divisional Officer.

(6) Notwithstanding anything contained in section 35, no case under this section shall be dismissed due to the absence of a party and shall be disposed of on merits.

(7) All proceedings under this section shall be completed within two months in respect of undisputed case and within six months in respect of disputed case from the date of registration of the case. In case the proceedings are not disposed of within the specified period, the Tahsildar shall report the information of pending cases to the Collector in such Form and manner as may be prescribed."

41. Section 112 of the principal Act shall be deleted.

Deletion of
section 112.

42. For section 113 of the principal Act, the following section shall be substituted, namely:—

Substitution of
Section 113.

"113. **Correction of errors in record of rights.**— The Collector may, at any time, correct or cause to be corrected any clerical errors and any errors which the parties interested admit to have been made in the record-of-rights prepared under section 108."

43. For section 114 of the principal Act, the following section shall be substituted, namely:—

Substitution of
section 114.

"114. **Land records.**— (1) Following land records shall be prepared for every village, namely:—

- (a) village map, abadi map and block map under section 107;
- (b) record of rights under section 108;
- (c) village khasra or village field book in such Form as may be prescribed;
- (d) Bhoo-Adhikar Pustika under section 114-A;
- (e) (i) details of all unoccupied land under section 233;
(ii) Nistar Patrak under section 234;
- (iii) Wajib-ul-arz, if any, under section 242;
- (f) details of diverted land; and
- (g) any other record as may be prescribed.

(2) Following land records shall be prepared for each sector in every urban area, namely:—

- (a) sector map under section 107;
- (b) record of rights under section 108;
- (c) sector khasra or sector field book in such Form as may be prescribed;
- (d) Bhoo-Adhikar Pustika under section 114-A;
- (e) (i) details of all unoccupied land under section 233;
(ii) land reserved for public purposes under section 233-A;
- (f) details of diverted land; and
- (g) any other record as may be prescribed."

Substitution of
sections 114-A.

44. For Section 114-A of the principal Act, the following section shall be substituted, namely:—

"114-A. Bhoo-Adhikar Pustika.—(1) The Tashildar may provide to every Bhumiswami whose name is entered in the khasara prepared under section 114 a Bhoo-Adhikar Pustika in respect of his all holdings in the village or sector, as the case may be, which shall be provided to him in such Form and on payment of such fee as may be prescribed.

(2) The Bhoo-Adhikar Pustika shall consist of two parts bound as one book, which shall contain such particulars as may be prescribed.

(3) A Tahsildar may, on his own motion or on application of the Bhumiswami, after making such enquiry as he deems fit, correct any wrong or incorrect entry in Bhoo Adhikar Pustika."

Substitution of
sections 115.

45. For section 115 of the principal Act, the following section shall be substituted, namely:—

"115. Correction of wrong or incorrect entry in land record- (1) A Sub-Divisional Officer may, on his own motion or on application of an aggrieved person, after making such enquiry as he deems fit, correct any wrong or incorrect entry including an unauthorised entry in the land records prepared under section 114 other than Bhoo-Adhikar Pustika and record of rights, and such corrections shall be authenticated by him:

Provided that no action shall be initiated for correction of any entry pertaining to a period prior to five years without the sanction in writing of the Collector.

(2) No order shall be passed under sub-section (1) without-

- (a) getting a written report from the Tahsildar concerned; and

(b) giving an opportunity of hearing to all parties interested:

Provided that where interest of Government is involved, the Sub-Divisional Officer shall submit the case to the Collector.

(3) On receipt of a case under sub-section (2), the Collector shall make such enquiry and pass such order as he deems fit."

46. Section 116 of the principal Act shall be deleted.

Deletion of sections 116.

47. Section 118 of the principal Act shall be deleted.

Deletion of sections 118.

48. Section 119 of the principal Act shall be deleted.

Deletion of sections 119.

49. In section 120 of the principal Act, for the word "Measurer", the words "Nagar Sarvekshak" shall be substituted.

Amendment of sections 120.

50. Section 121 of the principal Act shall be deleted.

Deletion of sections 121.

51. For Section 124 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 124.

"124 Construction of boundary marks of villages, sectors, and survey numbers or plot numbers- (1) Boundaries of all villages and sectors shall be fixed and demarcated by permanent boundary marks.

(2) 'The State Government may, in respect of any village or sector, by notification, order that the boundaries of all survey numbers, block numbers or plot numbers of the village or sector or part thereof shall also be fixed and demarcated by boundary marks.

(3) Such boundary marks shall, subject to the provisions hereinafter contained, be of such specification and shall be constructed and maintained in such manner as may be prescribed.

(4) Every holder of land shall be responsible for the maintenance and repair of the permanent boundary marks erected thereon."

Amendment of section 125.

52. In section 125 of the principal Act, in the marginal heading and provision, for the words "villages, survey numbers and plot numbers", the words "villages, sectors, survey numbers, block numbers and plot numbers" shall be substituted.

Amendment of section 126.

53. In section 126 of the principal Act,—

(i) in sub-section (1), for the words "summarily eject", the words "summarily eject in a manner prescribed" shall be substituted;

(ii) sub-sections (2) and (3) shall be deleted.

Substitution of section 127.

54. For section 127 of the principal Act, the following section shall be substituted, namely:—

"127. **Demarcation and maintenance of boundary lines**—(1) Every holder of land adjoining a village road or sector road or unoccupied land or land reserved for community purposes shall, at his own cost and in the manner prescribed—

(a) affix the boundary marks between his land and village road or sector road or unoccupied land or land reserved for community purposes adjoining it, and

(b) repair and renew such boundary marks from time to time.

(2) If the holder fails to affix the boundary marks or repair or renew the boundary marks as required by sub-section (1), the Tahsildar may, after such notice, as he deems fit, cause the boundary marks to be affixed or the boundary marks to be repaired or renewed and may recover the cost incurred as an arrear of land revenue.

Explanation—For the purpose of this section, "Village road or sector road" means a road as such which bears an indicative survey number or plot number."

Amendment of section 128.

55. In section 128 of the principal Act, in sub-section (1), for the words "After the end of November in each year the patel of the village", the words "The Patwari or Nagar Sarvekshak" shall be substituted.

Substitution of section 129.

56. For section 129 of the principal Act, the following section shall be substituted, namely:—

"129. Demarcation of boundaries of survey number or sub-division of survey number or block number or plot number- (1) The Tahsildar may, on application of a party depute a Revenue Inspector or Nagar Sarvekshak to demarcate the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number and construct boundary marks thereon.

(2) The Revenue Inspector or Nagar Sarvekshak so deputed shall, after giving notice to parties interested including the neighbouring land holders, demarcate the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number, construct boundary marks thereon and submit a demarcation report to the Tahsildar in such manner as may be prescribed. The demarcation report shall also include the particulars of the possession, if any, of any person other than the Bhumiswami on the land demarcated.

(3) For carrying out the demarcation the Revenue Inspector or Nagar Sarvekshak may take the assistance of such agency and in such manner as may be prescribed.

(4) On the receipt of the demarcation report, the Tahsildar may, after giving opportunity of hearing to the parties interested including the neighbouring land holders, confirm the demarcation report or may pass such order as he thinks fit.

(5) A party aggrieved by the confirmation of demarcation report under sub-section (4), may apply to the Sub-Divisional Officer to set it aside on any of the following grounds-

(a) that he was not given notice required under sub-section (2) or opportunity of hearing under sub-section (4); or

(b) any other sufficient ground:

Provided that such application shall not be entertained after the expiry of forty-five days from the date of confirmation the demarcation report by the Tahsildar or the date of knowledge, whichever is later.

(6) The Sub-Divisional Officer may, if he admits the application made under sub-section (5), after giving opportunity of hearing to the parties interested including the neighbouring land holders and making such enquiries as he may think fit, either confirm the demarcation report submitted under sub-section (2) or depute a team consisting of such persons as may be prescribed to carry out the demarcation once again.

- (7) The team deputed under sub-section (6) shall, after giving notice to parties interested including the neighbouring land holders, demarcate the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number, construct boundary marks thereon and submit report to the Sub-Divisional Officer in such manner as may be prescribed and the Sub-Divisional Officer may pass such orders on it as he thinks fit.
- (8) Notwithstanding anything contained in sections 44 and 50, no appeal or application for revision shall lie against any order passed or proceedings taken under this section.
- (9) The State Government may make rules for regulating the procedure to be followed by the Tahsildar in demarcating the boundaries of a survey number or of a sub-division of survey number or of a block number or of a plot number prescribing the nature of the boundary marks to be used, and authorizing the levy of fees from the holders of land in demarcated survey number or sub-division or block number or plot number."

57. In section 130 of the principal Act, for the words "one thousand", the words "five thousand" shall be substituted and the words "and of rewarding the informant, if any" shall be omitted.

Amendment of section 130.

58. For section 131 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 131.

"131. Rights of way and other private easements—(1) In the event of a dispute arising as to the route by which a cultivator shall have access to his fields or to the unoccupied lands or pasture lands of the village, otherwise than by the recognised roads, paths or common land, including those road and paths recorded in the village Wajib-ul-arz prepared under section 242 or as to the source from or course by which he may avail himself of water or as to the course by which he may drain water from his fields, a Tahsildar may, after local enquiry, decide the matter with reference to the previous custom in each case and with due regard to the conveniences of all the parties concerned.

(2) The Tahsildar may, at any stage of the enquiry, pass an interim order to grant immediate relief in respect of any matter under dispute in sub-section (1) if he is of the opinion that grant of such relief is necessary in the facts and circumstances of the case:

Provided that such interim order shall stand vacated on the expiry of ninety days from the date of the order unless vacated earlier."

59. Section 132 of the principal Act shall be deleted.

Deletion of section 132.

60. For section 133 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 133.

"133. Removal of obstruction – (1) If a Tahsildar finds that any encroachment or obstruction impedes the free use of a recognised road or path including those roads and paths recorded in the village Wajib-ul-arz or common land of a village or impedes the road or water course or source of water or drainage of water which has been the subject of a decision under section 131, he may order the person responsible for such encroachment or obstacle to remove it.

(2) If such person fails to comply with the order passed under sub-section (1), the Tahsildar may cause the encroachment or obstacle to be removed and may recover from such person the cost of removal thereof and such person shall be liable, under the written order of the Tahsildar stating the facts and circumstances of the case, to a penalty which may extend to ten thousand rupees.

- (3) If any person fails to remove the encroachment or obstruction for more than seven days after the date of order of removal thereof under sub-section (1), then without prejudice to the penalty that may be imposed under sub-section (2), the Sub-Divisional Officer shall cause him to be apprehended and shall send him with a warrant to be confined in a civil prison for a period of fifteen days in case of first order of removal of encroachment or obstruction and six months in case of second or subsequent order of removal of encroachment or obstruction:

Provided that no action under this sub-section shall be taken unless a notice is issued calling upon such person to appear before the Sub-Divisional Officer on a day to be specified in the notice and to show cause why he should not be committed to the civil prison:

Provided further that the Sub-Divisional Officer may order the release of such person from detention before the expiry of the period mentioned in the warrant if he is satisfied that the encroachment or obstruction has been removed:

Provided also that no woman shall be arrested or detained under this section .".

Deletion of section 136.

61. Section 136 of the principal Act shall be deleted.

Amendment of section 138.

62. In section 138 of the principal Act, in sub-section (1), the word "primarily" shall be omitted.

Deletion of section 139.

63. Section 139 of the principal Act shall be deleted.

Substitution of section 140.

64. For section 140 of the principal Act, the following section shall be substituted, namely:—

"140. Dates on which land revenue falls due and payable- (1) The land revenue payable on account of a year shall fall due on the first day of April of that year and shall be paid up to the last day of June of that year, in such manner, to such person and at such places as may be prescribed:

Provided that the dues of the land revenue payable at the time of the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 shall be paid before the 1st April, 2019.

- (2) A person may, at his option, pay up to ten years land revenue in advance:

Provided that no rebate shall be granted on such advance payment:

Provided further that if the land revenue is subsequently enhanced the difference amount shall be payable."

Substitution of section 141.

65. For section 141 of the principal Act, the following section shall be substituted, namely:—

"141. Definition of "arrear" and "defaulter"- Any land revenue due and not paid till the end of period as specified in section 140 becomes therefrom an arrear, and the persons responsible for it become defaulters."

Substitution of section 142.

66. For section 142 of the principal Act, the following section shall be substituted, namely:—

"142. Person receiving land revenue bound to give receipt- Every person who receives a payment on account of land revenue or on account of any sum of money recoverable as an arrear of land revenue shall grant a receipt to the payee for such sum and in such Form as may be prescribed."

67. For section 143 of the principal Act, the following section shall be substituted, namely: — Substitution of section 143.

"143. Penal interest on delayed payment of land revenue- If land revenue is not paid up to the end of the period as specified in section 140, simple interest shall be payable on the arrear thereafter till the date of payment at the rate of twelve per centum per annum for first twelve months and thereafter at the rate of fifteen per centum per annum:

Provided that no such interest shall be payable for delayed payment, where any payment of land revenue has been suspended by the order of the Government."

68. For section 144 of the principal Act, the following section shall be substituted, namely: — Substitution of section 144.

"144. Remission or suspension of land revenue on failure of crops- The State Government may, by notification stating the reasons, grant remission or suspension of land revenue in years in which crops have failed in any area or in which crops could not be grown in any area in consequence of any order made under any law by a competent authority."

69. In section 145 of the principal Act, in sub-section (1), for the words "by the Collector or by the Tahsildar", the words "by the Tahsildar" shall be substituted. Amendment of section 145.

70. For section 146 of the principal Act, the following section shall be substituted, namely: — Substitution of section 146.

"146. Notice of demand—(1) A Tahsildar shall cause a notice of demand to be served on any defaulter before the issue of any process under section 147 for the recovery of an arrear.

(2) Any defaulter may apply to the Tahsildar that nothing is due or that the amount due is less than the amount for which the notice of demand has been served and the Tahsildar shall decide the objection so raised and only thereafter proceed to issue any process under section 147, if required."

71. Section 147 of the principal Act shall be renumbered as sub-section (1) thereof and- Amendment of section 147.

(i) in sub-section (1) as so renumbered,—

(a) the words "or Gram Sabha" occurring in the opening paragraph shall be omitted;

(b) for clause (c), the following clause shall be substituted, namely:—

"(c) by attachment and sale of any other immovable property wherever situate belonging to the defaulter:";

(ii) after sub-section (1) as so renumbered, the following sub-sections shall be added, namely—

"(2) Notwithstanding anything contained in sub-section (1), the Tahsildar may recover the arrear of land revenue by attaching any financial asset including bank account or locker, wherever situate, of the defaulter. The attachment of financial assets of the defaulter shall, so far as possible be made by serving a garnishee order on the incharge of financial assets in the manner laid down in Order 21 contained in the First Schedule to the Code of Civil Procedure, 1908 (No. 5 of 1908). In case of a locker hired by the defaulter, the same shall be sealed in the presence of such incharge,

who shall thereafter await further orders of the Tahasildar regarding preparation of inventory of its contents and their ultimate disposal.

(3) The Sub-Divisional Officer may cause any person committing default in payment of an arrear of land revenue exceeding rupees fifty lakh to be arrested and shall send him with a warrant to be confined in a civil prison for a period not exceeding fifteen days unless the arrears are sooner paid:

Provided that no action under this sub-section shall be taken unless a notice is issued calling upon such person to appear before the Sub-Divisional Officer on a day to be specified in the notice and to show cause why he should not be committed to the civil prison.

(4) Notwithstanding anything contained in sub-section (3), no person shall be arrested or confined in a civil prison for an arrear of land revenue, where and for so long as such person—

- (a) is a minor, or a person mentally ill or mentally retarded; and
- (b) is exempted under sections 133, 135 or 135-A of the Code of Civil Procedure, 1908 (No. 5 of 1908).
- (5) The Sub-Divisional Officer issuing the arrest warrant may withdraw such warrant if the defaulter pays or undertakes to pay the whole or substantial portion of the arrears and furnishes adequate security therefor."

Amendment of
section 149.

72. In section 149 of the principal Act, the words and brackets "clauses (a) and (c) of" shall be omitted.

Substitution of
section 150.

73. For section 150 of the principal Act, the following section shall be substituted, namely:—

"150. Payment before property is knocked down at a sale and thereupon proceeding to be stayed- If proceedings are taken under this Chapter against any person for the recovery of an arrear of land revenue, he may, at any time before the property is knocked down at a sale, pay the amount claimed and thereupon the proceedings shall be closed."

Amendment of
section 151.

74. In section 151 of the principal Act, in sub-section (2) for the words, bracket, letter and figure "clause (c) of section 147", the words, brackets, letter and figures "clause (c) of sub-section (1) of section 147" shall be substituted.

Substitution of
section 153.

75. For section 153 of the principal Act, the following section shall be substituted, namely:—

"153. Purchaser's title.- Where immovable property is sold under the provisions of this Chapter and such sale has become absolute, the property shall be deemed to have vested in the purchaser from the time when full money as specified in the letter of sale is deposited by the purchaser."

Amendment of
section 154-A.

76. In section 154-A of the principal Act, in sub-section (1),—

- (i) for the word and figure "section 147", the words, bracket and figures "sub-section (1) of section 147" shall be substituted;
- (ii) the first proviso shall be deleted;
- (iii) in the second proviso, the word "further" shall be omitted.

77. In section 155 of the principal Act, in proviso to clause (g), for full stop, semicolon shall be substituted and thereafter the following clause shall be added, namely:— **Amendment of section 155.**

"(h) all moneys becoming payable to such entity owned and controlled by the State Government as may be notified by the State Government in this behalf:

Provided that no action shall be taken on application for recovery of a sum specified in this clause unless such application is accompanied by a certificate signed by the chief executive, by whichever name called, of the said entity that the said sum should be recovered as an arrear of land revenue."

78. In section 158 of the principal Act, in sub-section (3), for the proviso, the following proviso shall be substituted, namely:— **Amendment of section 158.**

"Provided that no such person shall transfer such land within a period of ten years from the date of lease or allotment and thereafter may transfer such land with the permission obtained under sub-section (7-b) of section 165."

79. In section 161 of the principal Act, in the marginal heading and in sub-section (1), the words 'during the currency of settlement' shall be omitted. **Amendment of section 161.**

80. Section 162 of the principal Act shall be deleted. **Deletion of section 162.**

81. Section 163 of the principal Act shall be deleted. **Deletion of section 163.**

82. In section 165 of the principal Act, in sub-section (4), for the second proviso, the following proviso shall be substituted, namely:— **Amendment of section 165.**

"Provided further that in case of the transfer of land under sub-clause (a) of clause (i) of the preceding proviso for industrial purpose, the land shall be diverted under section 59 prior to such transfer."

83. For section 168 of the principal Act, the following section shall be substituted, namely:— **Substitution of section 168.**

"168. **Leases-** (1) A Bhumiswami may lease any land comprised in his holding which has been assessed for the purpose of agriculture under section 59, for any period not exceeding five years at a time.

(2) The lessee shall hold the land on such terms and conditions as may be agreed upon between him and the Bhumiswami.

(3) Tahsildar on the application of the Bhumiswami on the ground of breach of any material term or condition of the lease or the lease ceasing to be in force may order the lessee to hand over possession of the land to the Bhumiswami.

(4) If a lessee does not hand over the possession of the land to the Bhumiswami on the expiry of the lease or within seven days from the date of the order passed by the Tahsildar under sub-section (3), the Bhumiswami shall be deemed to have been improperly dispossessed from his land by the lessee and shall be entitled to relief under section 250.

Explanation- For the purposes of this section—

(a) "lease" means a transfer of a right to enjoy any land, made for a certain time, expressed or implied in consideration of a price paid or promised or of money or any other thing of value to be given periodically to the transferor by the transferee who accepts the transfer on such terms,

- (b) any arrangement whereby a person cultivates any land of a Bhumiswami on condition of his giving a specified share of the produce of the land to the Bhumiswami shall be deemed to be a lease;
- (c) any lease given under sub-section (1) for a period exceeding five years shall be deemed to have been given for a period of five years;
- (d) the grant of a right merely to cut grass or to graze cattle or to grow "singhara" or to propagate or collect lac, or to pluck or collect tendu leaves shall not be deemed to be a lease of the land."

Deletion of
section 169.

84. Section 169 of the principal Act shall be deleted.

Deletion of
section 171.

85. Section 171 of the principal Act shall be deleted.

Deletion of
section 172.

86. Section 172 of the principal Act shall be deleted.

Deletion of
section 174.

87. Section 174 of the principal Act shall be deleted.

Deletion of
section 176.

88. Section 176 of the principal Act shall be deleted.

Substitution of
section 178-A.

89. For section 178-A of the principal Act, the following section shall be substituted, namely: —

"178-A. Partition of land in life time of Bhumiswami- (1) If any Bhumiswami wishes to partition his holding assessed for purpose of agriculture under section 59 or any part thereof amongst his legal heirs during his life time, he may apply for partition of such holding or part thereof to the Tahsildar.

(2) The Tahsildar may after hearing the legal heirs divide the holding or part thereof and apportion the assessment in accordance with the rules made under this Code."

Substitution of
section 181-A.

90. For Section 181-A of the principal Act, the following section shall be substituted, namely:—

"181-A. Person having Free hold right shall be Bhumiswami- Every person, who holds land in free hold right immediately prior to the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall be the Bhumiswami of such land."

Amendment of
section 182.

91. In section 182 of the principal Act, in sub-section (2), for the words "a Revenue Officer", the words "the Collector" shall be substituted.

Substitution of
section 183.

92. For section 183 of the principal Act, the following section shall be substituted, namely:-

"183. Service land- (1) Any person holding land on the condition of rendering service as a Kotwar shall cease to be entitled to such land if he diverts such land to non-agricultural purposes.

(2) Any right of a Kotwar in the service land shall not be transferred nor be transferable by way of sale, gift, mortgage, sub-lease or otherwise except by a sub-lease for a period not exceeding one year.

(3) If a Kotwar dies, resigns or is lawfully dismissed, the service land shall pass to his successor-in-office.

- (4) The right of a Kotwar in such land shall not be attached or sold in execution of a decree nor shall a receiver be appointed to manage such land under section 51 of the Code of Civil Procedure, 1908 (No.5 of 1908).
- (5) If a Kotwar contravenes or attempt to contravene the provisions of sub-section (1) and (2), without prejudice to any action that may be taken against him under the provisions of this Code or any other law, such service land may be taken back from him by the order of the Tahsildar and the Kotwar or any other person who unauthorisedly continue to remain in possession of the land may be ejected under section 248.
- (6) The service lands situated—
- (a) in an urban area;
- (b) in such area for which development plan has been approved; or
- (c) in such area beyond the outer limit of urban area, as notified by the State Government,

shall cease to be service land from the date as notified by State Government and the Tahsildar shall cause necessary changes in the land records."

93. Section 184 of the principal Act shall be deleted.

Deletion of section 184.

94. Chapter XIV of the principal Act regarding Occupancy Tenants, containing sections 185 to 202 (both inclusive) shall be deleted:

Deletion of Chapter XIV and saving.

Notwithstanding the deletion of the said chapter, any case or proceeding regarding occupancy tenant pending before the Board or any Revenue Officer or any authority before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 shall be heard and decided by the Board or such Revenue Officer or authority, as if the said Amendment Act had not been passed."

95. For section 203 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 203.

"203. **Alluvion and diluvion-** (1) Alluvial land formed on any bank shall vest in the State Government but the Bhumiswami, if any, of the land adjoining such bank shall be entitled to the use of the alluvial land so added to his holding free from the payment of land revenue till the land survey is undertaken, unless the area added to his holding exceeds half hectare.

(2) Where any holding is diminished in area by diluvion to an extent greater than half hectare, the land revenue payable on such holding shall be reduced."

96. In Section 210 of the principal Act, for the words "Settlement Commissioner" the word "Commissioner" shall be substituted.

Amendment of section 210.

97. In section 224 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

Amendment of section 224.

"(a) to collect land revenue and other related taxes and cesses payable through him and such other government dues ordered to be collected through him after deducting the collection charges, as may be determined by the State Government time to time, and pay into the Government treasury;"

- Deletion of section 225.** 98. Section 225 of the principal Act shall be deleted.
- Amendment of section 227.** 99. In section 227 of the principal Act, the word and figure "or 225" shall be deleted.
- Amendment of section 229.** 100. In section 229 of the principal Act, the word and figure "constituted in accordance with the provisions of section 232" shall be omitted.
- Amendment of section 230.** 101. In section 230 of the principal Act, the proviso to sub-section (1) shall be deleted.
- Substitution of section 231.** 102. For section 231 of the principal Act, the following section shall be substituted, namely:—
- "231. Remuneration of kotwars-** The State Government may, by general order, subject to such restrictions, terms and conditions as may be mentioned therein, from time to time, fix the norms for providing service land or remuneration or both to Kotwars for their services."
- Deletion of section 232.** 103. In Chapter XVII of the principal Act, sub-heading "C- Gram Sabha" and section 232 shall be deleted.
- Substitution of section 233.** 104. For section 233 of the principal Act, the following section shall be substituted, namely:—
- "233. Record of unoccupied land-** A record of all unoccupied land shall be prepared for every village and urban area in accordance with rules made in this behalf."
- Insertion of section 233-A.** 105. After section 233 of the principal Act, the following section shall be inserted, namely:—
- "233-A. Land to be set apart for public purposes in urban area-** The Collector may, in accordance with the directions issued by the State Government in this behalf, from time to time,—
- (a) set apart unoccupied lands in an urban area for public purposes;
- (b) change the public purpose for which any such land is set apart; or
- (c) rescind the action taken under clause (a) in respect of any such land:
- Provided that no land shall be set apart for public purposes under this section which is inconsistent with the approved development plan."
- Substitution of Section 234.** 106. For section 234 of the principal Act, the following section shall be substituted, namely:—
- "234. Preparation of Nistar Patrak-** The Sub-Divisional Officer shall, in accordance with the provisions of this Code and the rules made thereunder, prepare a Nistar Patrak for every village embodying a scheme of management of all unoccupied land in the village and all matters incidental thereto and more particularly matters specified in section 235."
- Amendment of section 239** 107. In section 239 of the principal Act,
- (i) sub-sections (2), (3) and (4) shall be deleted;

- (ii) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely:—

- "(5) If any of the terms and conditions of tree planting permit or tree patta granted under this section prior to the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 is breached, the Tahsildar may, after giving reasonable opportunity of being heard to the holder thereof, cancel the tree planting permit or tree patta and if such person unauthorisedly continues to remain in possession of the unoccupied land the Tahsildar shall proceed to take action against him under section 248.
- (6) The unoccupied land on which any tree planting permit or tree patta has been given prior to the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 may be used for any public purpose by the order of the Collector. If any interest of the holder of such tree planting permit or tree patta is adversely affected due to such use, the holder shall be entitled for such compensation which shall be calculated in such manner as may be prescribed."

108. In Section 240 of the principal Act,—

Amendment of section 240.

- (i) for the existing marginal heading, the following marginal heading shall be substituted, namely:—

"Prohibition of cutting of certain trees in villages";

- (ii) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The State Government may by rules made in this behalf, prohibit or regulate cutting of trees in villages standing on the land belonging to Bhumiswami or State Government, if it is satisfied that such prohibition or regulation is in the public interest or required for preventing erosion of soil."

109. In section 243 of the principal Act, in sub-section (3), for the words, figures and bracket "The Land Acquisition Act, 1894 (No. 1 of 1894)", the words, figures and bracket "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013)" shall be substituted.

Amendment of section 243.

110. For section 244 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 244.

"244. **Allotment of abadi sites** - Subject to rules made in this behalf, the Tahsildar shall allot abadi sites on lease in the abadi area."

111. For section 245 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 245.

"245. **Rights to hold house site free of land revenue**-Any building site of reasonable dimensions in the abadi, which is held by a kotwar or by a person who holds land or who works as an agricultural artisan or an agricultural labourer in such village or in a village usually cultivated from such village, as on the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall not be liable to the payment of land revenue."

112. For section 246 of the principal Act, the following section shall be substituted, namely:—

Amendment of section 246.

"246. **Rights of persons holding house site in abadi**- Every person who lawfully holds any land as a house site in the abadi immediately prior to coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall be a Bhumiswami."

Amendment of section 248.

113. In section 248 of the principal Act, in sub-section (1), for the words "to pay the rent of the land for the period of unauthorised occupation at twice the rate admissible for such land in locality and to pay fine with may extend to twenty per centum of the market value of such encroached land", the words "to a fine with may extend to one lakh rupees" shall be substituted.

Substitution of section 250.

114. For section 250 of the principal Act, the following section shall be substituted, namely:—

"250. Reinstatement of Bhumiswami improperly dispossessed- (1) The Tahsildar shall,-

- (a) on application of a Bhumiswami or his successor-in-interest who has been improperly dispossessed, issue a show cause notice to the person occupying Bhumiswami's land to explain the grounds of his possession and make such enquiry as he thinks fit; or
 - (b) on coming to know that a Bhumiswami has been improperly dispossessed, on his own motion start proceedings under clause (a).
- (2) If after the enquiry the Tahsildar finds that the Bhumiswami has been improperly dispossessed, he shall order the restoration of the possession to the Bhumiswami and also put him in possession of the land.
 - (3) The Tahsildar may, at any stage of the enquiry, pass an interim order to the person occupying the land to hand-over its possession to the Bhumiswami, if he finds that the Bhumiswami was dispossessed by opposite party within six months prior to the submission of the application or commencement of suo motu proceedings under this section.
 - (4) The person against whom an interim order has been passed under sub-section (3) may be required by the Tahsildar to execute a bond for such sum as the Tahsildar may deem fit for abstaining from taking possession of land until the final order is passed by the Tahsildar and if the person executing a bond is found to have entered into or taken possession of the land in contravention of the bond, the Tahsildar may forfeit the bond in whole or in part and may recover such amount as an arrear of land revenue.
 - (5) Where the Tahsildar orders restoration of possession of land to the Bhumiswami under sub-section (2), the Tahsildar shall also award compensation to be paid to the Bhumiswami by the opposite party for the period of his unauthorised possession and such compensation shall be calculated at the pro rata rate of ten thousand rupees per hectare per year. The compensation awarded under this section shall be recoverable as an arrear of land revenue.
 - (6) When an order has been passed under sub-section (2) for the restoration of possession of land to the Bhumiswami, the Tahsildar may require the opposite party to execute a bond for such sum as the Tahsildar may deem fit for abstaining from taking possession of the land in contravention of the order.
 - (7) Where an order has been passed under sub-section (2) for the restoration of the possession of land to the Bhumiswami, the opposite party shall also be liable to fine which may extend to fifty thousand rupees.
 - (8) If any person continues in unauthorised occupation or possession of land for more than seven days after the date of order for restoration of possession under sub-section (2) or sub-section (3), then without prejudice to the compensation payable under sub-section (5) or the fine under sub-section (7), the Sub-Divisional Officer shall cause him to be apprehended and shall send him with a warrant to be

confined in a civil prison for a period of fifteen days in case of first order for restoration of possession and shall cause him to be apprehended and shall send him with a warrant to be confined in such prison for a period of three months in case of second or subsequent orders for restoration of the possession to such Bhumiswami:

Provided that no action under this section shall be taken unless a notice is issued calling upon such person to appear before the Sub-Divisional Officer on a day to be specified in the notice and to show cause why he should not be committed to the civil prison:

Provided further that the Sub-Divisional Officer may order the release of such person from detention before the expiry of the period mentioned in the warrant if he is satisfied that the unauthorized possession has been vacated.

Explanation I.- For the purpose of this section, the Bhumiswami includes government lessee.

Explanation II.- For the purpose of this Section "Bhumiswami improperly dispossessed" means a Bhumiswami who is dispossessed of his land otherwise than in due course of law or if any person continues unauthorisedly in possession of land of the Bhumiswami to the use of which such person has ceased to be entitled."

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| 115. Section 250A of the principal Act shall be deleted. | Deletion of section 250-A. |
| 116. Section 252 of the principal Act shall be deleted. | Deletion of section 252. |
| 117. In section 253 of the principal Act, sub-section (2) shall be deleted. | Amendment of section 253. |
| 118. Section 254 of the principal Act shall be deleted. | Deletion of section 254. |
| 119. Section 255 of the principal Act shall be deleted. | Deletion of section 255. |
| 120. In section 257 of the principal Act,- | Amendment of section 257. |
| (i) clauses (n) (o), (p), (q), (r), (s), (t) and (u) shall be deleted; | |
| (ii) for clause (x), the following clause shall be substituted, namely:— | |
| "(x) any decision regarding reinstatement of a Bhumiswami improperly dispossessed and confinement in civil prison under section 250;" | |
| (iii) clause (x-i) shall be deleted; | |
| (iv) clause (z-1) shall be deleted. | |
| 121. In section 258 of the principal Act,— | Amendment of section 258. |
| (i) in sub-section (2),— | |
| (a) after clause (i), the following clause shall be inserted, namely:— | |
| "(i-a) prescription of Form for publishing proposal under section 13(2); " | |

- (b) for clause (ii), the following clause shall be substituted, namely:-
- "(ii) the prescription of the duties of Superintendents of Land Records and Assistant Superintendents of Land Records under section 20(2);";
- (c) for clause (iii), the following clause shall be substituted, namely:—
- "(iii) rates for assessment, imposition of premium and assessment and reassessment of land revenue and manner for intimation of diversion under section 59;";
- (d) after clause (iv), the following clause shall be inserted, namely:—
- " (iv-a) prescription of other record under section 61(e);
- (iv-b) powers to be exercised and duties shall be discharged under section 63 (2);";
- (e) for clause (v), the following clause shall be substituted, namely:—
- "(v) formation of survey numbers, block numbers, plot numbers and their grouping into villages in non-urban areas or into sectors in urban areas under section 67;
- (v-a) division or amalgamation of any survey number, block number, plot number and assessment thereof under sub-section (3) of section 68;";
- (f) for clause (vi), the following clause shall be substituted, namely:—
- "(vi) entry of survey numbers, block numbers and plot numbers and their sub-divisions in land record under section 69;";
- (g) for clause (vii) the following clause shall be substituted, namely:—
- "(vii) division and alteration of village or sector by dividing or uniting the villages or sectors under section 71;";
- (h) for clause (viii), the following clause shall be substituted, namely:-
- "(viii) rates of fixation of assessment on holding under section 72 ;";
- (i) clauses (ix), (x) and (xi) shall be deleted;
- (j) for clause (xii), the following clause shall be substituted, namely:—
- "(xii) the regulation of the conduct of land survey under section 77;";
- (k) clauses (xv), (xvi), (xvii) and (xviii) shall be deleted;
- (l) for clause (xix), the following clause shall be substituted, namely:-
- "(xix) prescription of other duties of patwaris and Nagar Sarvekshaks under section 104 (2);";
- (m) for clause (xxi), the following clause shall be substituted, namely:—
- "(xxi) prescription of other particulars and scale of map under section 107;";
- (n) for clause (xxiii), the following clause shall be substituted, namely:—
- "(xxiii) prescription of Forms of, and manner for-
- (a) reporting of acquisition of right, intimation;

- (b) pre-mutation sketch, if any;
- (c) acknowledgement,
- (d) registers,
- (e) writing, intimation or displaying of notice;
- (f) supply of copy;
- (g) information of pending cases; and
- (h) prescription of fees,
under sections 109, and 110;"
- (o) clause (xxiv) shall be deleted;
- (p) for clause (xxv), the following clause shall be substituted, namely:—

"(xxv) preparation and prescription of land records under section 114;"

- (q) after clause (xxv), the following clause shall be inserted, namely:—

"(xxv-a) prescription of fee on the payment of which Bhoo Adhikar Pustika shall be provided and details of particulars entered into under section 114-A;"

- (r) for clause (xxviii), the following clause shall be substituted, namely:—

"(xxviii) specification of, and manner of, construction and maintenance of boundary marks of villages, sectors and survey numbers or plot numbers under section 124;"

- (s) for clause (xxix), the following clause shall be substituted, namely:—

"(xxix) the manner of demarcating boundary marks between a village road, village waste or land reserved for community purposes and the land adjoining it and the manner in which they shall be kept in repair and renewed under section 127;"

- (t) for clause (xxxi), the following clause shall be substituted, namely-

"(xxxi) manner, persons to whom and the places where, the land revenue shall be paid under section 140;"

- (u) in clause (xxxvi), the words "during the currency of settlement" shall be omitted;
- (v) clause (xxxvii) shall be deleted;
- (w) clause (xli) shall be deleted;
- (x) clause (xliii) shall be deleted;
- (y) after clause (xliv), the following clause shall be inserted, namely:-

"(xliv-a) regulation of partition in life time of a Bhumswami and apportionment of assessment under section 178-A;"

- (z) clauses (xlvii) to (li) shall be deleted;

- (z-a) clause (lvi) shall be deleted;

- (z-b) after clause (lvii) the following clause shall be inserted, namely:-

"(lvii-a) prescription of the record to be maintained under section 233-A;"

(z-c) for clause (lx), the following clause shall be substituted, namely—

"(lx) manner for calculation of compensation under section 239 (6);";

(z-d) after clause (lxv), the following clause shall be inserted, namely—

"(lxv-a) for the purpose of carrying into effect the provisions of section 250;";

(z-e) clause (lxvii) shall be deleted;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

"(2A) The State Government may, from time to time, make rules consistent with the provisions of this Code regulating the practice and procedure of the Board and the procedure to be followed by other Revenue Courts and may by such rules annul, alter or add to all or any of the rules in Schedule I.

(2B) In particular and without prejudice to the generality of the powers conferred by sub-section (2A), such rules may provide for all or any of the following matters, namely,—

- (a) the service of summons, notices and other processes by post or in any other manner either generally or in any specified areas, and the proof of such service;
- (b) the regulation of power of Revenue Officers to summon parties and witnesses and the grant of expenses to witnesses;
- (c) the regulation of recognised agents with regard to appearances, applications and acts done by them in proceedings under this Code;
- (d) procedure to be observed in effecting attachment of movable and immovable properties;
- (e) procedure for publishing, conducting, setting aside and confirming sales and all ancillary matters connected with such proceedings;
- (f) the maintenance and custody, while under attachment, of live-stock and other movable property, the fees payable for such maintenance and custody, the sale of such live-stock and property and the proceeds of such sale;
- (g) consolidation of appeals and other proceedings;
- (h) all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Revenue Courts;
- (i) the time within which, in the absence of any express provision, appeals or applications for revision may be filed;
- (j) the cost of and incidental to any proceedings;
- (k) examination of witnesses on commission and payment of expenses incidental to such examination;
- (l) licensing of petition-writers and the regulation of their conduct.

(2C) Such rules shall, from the date of publication or from such other date as may be specified, have the same force and effect as if they were contained in Schedule I."

Amendment of
Schedule I.

122. In Schedule I to the principal Act, in the heading, for bracket, words and figure "(see section 41)", the brackets, words, figures and letters "[see section 258(2A) and (2C)]" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The State Government keeping in mind the problems faced by farmers and landowners had constituted State Land Reform Commission. The Commission felt that the amendments made so far in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) have not been able to address many issues and come up to the expectations of the citizen. The Commission visited various Divisional headquarters in the State and met peoples representatives, and members of District Bar Association and elicited their views and suggestions on various amendments needed in the present Code. The Commission got more than 1700 suggestions for amending the Code. The Commission also discussed proposed amendments with President, Board of Revenue, their members and many retired Revenue officers of the Revenue Department.

2 Based on the report submitted by the Commission and information received from time to time from various sources and in order to remove the difficulties arising in the land management, this amendment Bill is being proposed. Following are the salient features of the proposed amendments :—

- (i) Chapter 7 and 8 of the Code, which deal with revenue survey and settlement in rural areas and fixation and reassessment of land in urban areas is being replaced by Chapter 7 Land Survey. Now revenue survey and settlement shall be replaced by continuous land survey to be conducted by the District Collector under the direct administrative control of the Commissioner Land Records.
- (ii) To improve the quality of land management, now rural areas will have villages and urban areas will have sectors. The non-agricultural land in villages and sector will be termed as block and plots, which will enable preparation of maps using the modern technique at a better scale.
- (iii) Section 35 of the Code is being amended to avoid dismissal of cases on the frivolous ground of not having deposited process fee. The existing provisions of appeal, review and revision also are being amended. Now the orders passed by revenue officers functioning under the Collector, can be taken up under revision by the Collector and orders passed by the Collector can be taken up under revision by the Divisional Commissioner. The orders passed by Divisional Commissioner can be revised by the Board of Revenue. The time limit for appeal review and revision have been kept equivalent. First appeals and second appeals have been barred for few specific sections which has been mentioned clearly in the amendment.
- (iv) Amendments have also been proposed in important sections of mutation, demarcation and partition. Specific time limits of 2 months and 6 months have been provided for undisputed mutation and disputed mutation respectively. The process of mutation shall be deemed to have been completed only after the commensurate correction in the land records and the copies of the order and updated land records are made available to the applicants free of cost. In case of demarcation, if applicant is not satisfied then he can apply to the Sub-Divisional officer who in turn can constitute a special team to get the demarcation done once again. Empanelled private agencies can also be deployed for demarcation purposes.
- (v) In section 140 of the Code provision has been made to enable the land owner to deposit the land revenue for 10 years in one go. The State Government has been authorized for suspension or remission of the land revenue in case of crop damage.
- (vi) Chapter 14 dealing with occupancy tenants has been deleted as it is of no more relevance and a separate enactment the Madhya Pradesh Bhumiswami Evam Bataidar ke Hiton ka Sanrakshan Adhiniyam, 2016 (No. 13 of 2016) has been enacted to take care of the subject.

- (vii) Section 172 of the Code is being deleted as prior permission for diversion of land will not be necessary anymore. Now the landowner may self assess his diverted land revenue and deposit the requisite amount while complying with the other existing laws. He will not have to take any written permission anymore.
- (viii) In urban areas, for the better management of unoccupied Government land and for it's useful community usage, provision has been made to enable the Collector to reserve the land for the specific purposes.
- (ix) Record of rights in urban and rural areas will be prepared separately and rights of all Bhumiswamies, government lessee and people residing on abadi land shall be recorded. Provisions to make corrections in the incorrect entries of the land records have been modified. Effective provisions have also been proposed for right of way and private easement rights.
- (x) Apart from above major amendments, many procedural reforms have also been proposed like adding specific definitions for sector, service land, land revenue, development plan etc. The procedure of creation of new sub-division also has been proposed on the lines of earlier provisions for creation of a new tehsil. Effective provisions have been made for recovery of due land revenue.

2. Hence this Bill.

BHOPAL:
DATED THE 21ST JUNE 2018

UMASHANKAR GUPTA
Member-In-Charge.